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CompTel  ASCENT

December 6, 2004

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DEC - 6 2004

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

Re: *WC Docket No. 04-313, CC Docket No. 01-338; Triennial Review
Remand Proceeding*

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, CompTel/ASCENT ("CompTel") hereby gives notice that on December 3, 2004, its representative and a representative from CompTel member Looking Glass Networks, had two separate meetings with FCC Commissioners and their staff. CompTel met with Commissioner Abernathy and Matthew Brill, Sr. Legal Advisor to Commissioner Abernathy. CompTel also met with Commissioner Martin and Daniel Gonzalez, Sr. Legal Advisor to Commissioner Martin. CompTel and Looking Glass distributed the attached document during their meetings. In accordance with the Protective Order adopted in this proceeding,¹ CompTel and Looking Glass request that the Commission treat portions of the attached document (as marked) confidentially due to the competitively sensitive nature of the materials contained therein. CompTel and Looking Glass have filed a redacted version of the attachment.

In these meetings, Looking Glass explained that, while they, in some instances are able to provide wholesale transport service in competition with the ILEC, they will not build facilities into a building for less than an optical level of customer demand (OC-3 at a minimum, but usually OC-12). This is because of tighter capital markets, which require

¹ *Unbundled Access to Network Elements*, WC Docket No. 04-313; *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338, Order, DA 04-2603 (rel. Aug. 20, 2004) ("Protective Order").

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fiber providers to achieve a sub-year payback for new facilities construction. Thus, where two years ago, competitive fiber transport providers might build into a building to provide lower capacity services (2 or 3 DS3s, for example), the shorter payback requirements imposed by the capital markets allow these carriers to only undertake construction for much higher capacity customers. Another result of tighter capital markets is that fiber-based carriers, like Looking Glass, will only build where they have actual customer demand. Because they will not undertake speculative construction, there is no correlation between the number of access lines in an ILEC end office and whether Looking Glass will build fiber into that office.

Furthermore, Looking Glass explained that when they do build into a building, they are almost always limited to providing service to the customer's premises within a building (for example, on one floor only). Looking Glass would need to secure additional rights of way from the building owner, and undertake greater construction expense, in order to serve other parts of the building. Finally, Looking Glass explained that while they will not build into a building to provide DS1 service, *per se*, that many of their customers with an optical capacity level of demand ask them to provide that bandwidth segregated by channels defined as electrical capacity increments (DS1s, and DS3s).

Looking Glass also explained that they were impaired in their ability to expand without access to dark fiber loop facilities, and that it was inappropriate for the FCC to analyze dark fiber in the same manner as lit transmission capacity. For example, in every instance where Looking Glass purchases dark fiber loops into buildings, Looking Glass has also built its own fiber into the building. They are impaired in their ability to provide wholesale services without dark fiber, because without dark fiber loops, they would have to construct two separate fiber loop facilities into the building in order to meet customer demands (and FCC best practices) for route diversity.

Representing Looking Glass Networks was Lynn Refer, CEO. Representing CompTel was the undersigned attorney.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan D. Lee". The signature is fluid and cursive, with the first name "Jonathan" being more prominent than the last name "Lee".

Jonathan Lee
Sr. Vice President
Regulatory Affairs

Attachment (redacted)



Company Overview December 2004

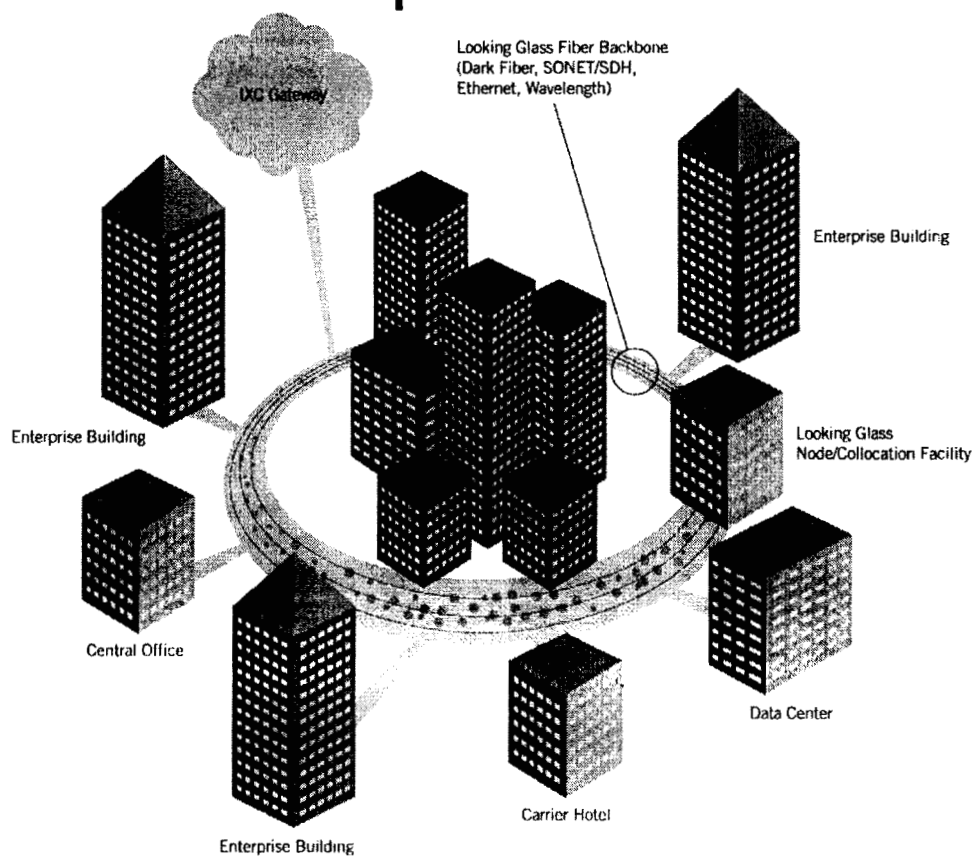
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Looking Glass

Operational in Twelve Top US Markets



Our Solution - Provide Metro Connectivity to Carrier and Enterprise Customers



Connectivity to more than 424 buildings, 737 points of presence, and 136 carriers



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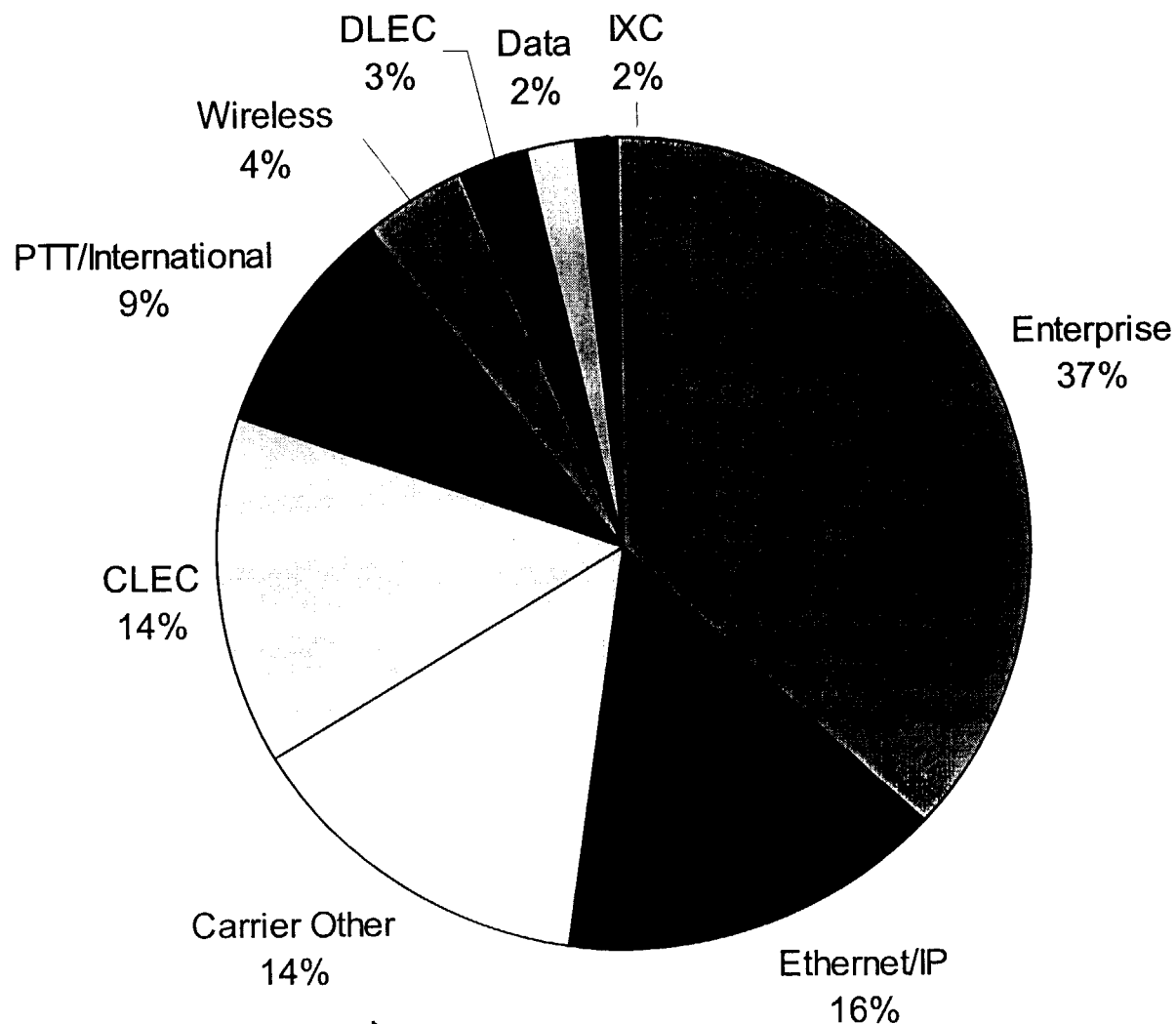
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Not Just Carriers, 37% of Customers are Enterprise





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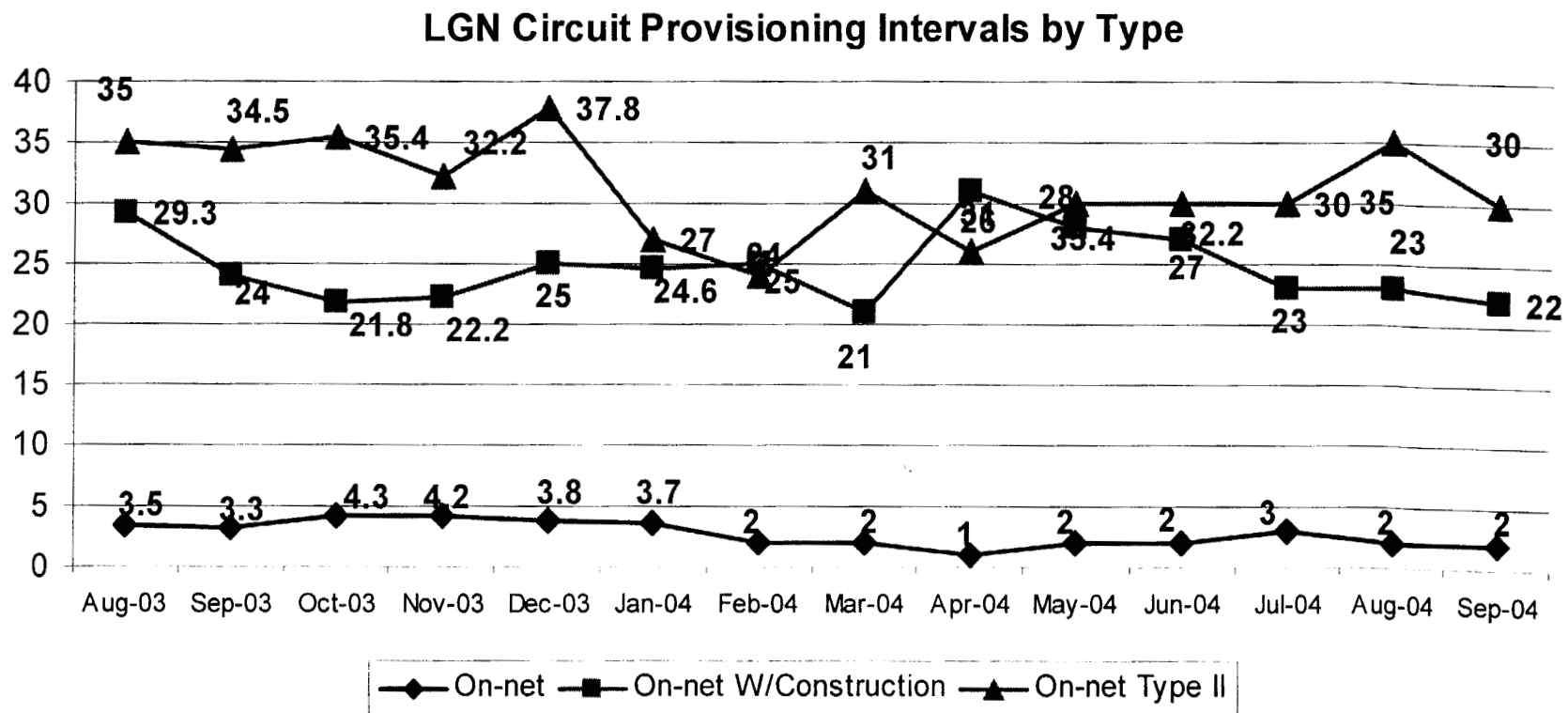
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